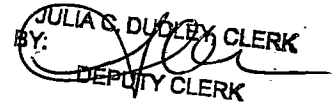


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

FEB 20 2018

JULIA S. DUDLEY, CLERK  
BY:  DEPUTY CLERK

NATIONWIDE MUTUAL  
INSURANCE COMPANY,

Plaintiff,

v.

STARK JONES, et al.,

Defendants.

Civil Action No.: 7:17cv00348

By: Hon. Michael F. Urbanski  
Chief United States District Judge

**ORDER**

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The magistrate judge filed a report and recommendation on January 31, 2018, recommending defendant Feeding America Southwest Virginia's ("Feeding America") motion for summary judgment be granted in part.<sup>1</sup> The magistrate judge recommended finding that the Assignment of Insurance Claim, dated May 11, 2017, from defendant DGW Enterprises, LLC to Feeding America is valid and Feeding America is entitled to payment of the proceeds of the insurance claim, but reserving judgment on the final value of the insurance claim to permit Nationwide Mutual Insurance Company and Feeding America a period of discovery. No objections to the report and recommendation have been filed.

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<sup>1</sup> The magistrate judge converted Feeding America's motion to dismiss for failure to state a claim to a motion for summary judgment. See Order, ECF No. 39, at 3.

The court has carefully reviewed the magistrate judge's report and finds that it should be adopted in its entirety. As such, it is hereby **ORDERED** that the magistrate judge's report and recommendation (ECF No. 47) is **ADOPTED in its entirety**, defendant Feeding America's motion for summary judgment (ECF No. 11) is **GRANTED in part**, and the parties engage in discovery for thirty (30) days to evaluate the final value of the insurance claim.

The Clerk is directed to send a copy of this order to counsel of record, the registered agent for DGW Enterprises, LLC, and the pro se parties.

Entered: 02-20-2018

/s/ Michael F. Urbanski

Michael F. Urbanski  
Chief United States District Judge